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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,332	08/14/2001	Ross A. Jeffery	1595-17/MBE	6683
38735 7590 02/17/2010 DIMOCK STRATTON LLP 20 QUEEN STREET WEST, 32nd FLOOR, BOX 102 TORONTO, ON M5H 3R3 CANADA				
EXAMINER SHEPARD, JUSTIN E				
ART UNIT 2424		PAPER NUMBER		
MAIL DATE 02/17/2010		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/928,332

**Applicant(s)**

JEFFERY, ROSS A.

**Examiner**

Justin E. Shepard

**Art Unit**

2424

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21, 22, 26, 27, 29, 30, 34 and 35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21, 22, 26, 27, 29, 30, 34 and 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-85/86)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/20/10 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Note: the applicant has indicated in a phone message that amended claim 21 refers to a unicasting system with the limitation of "outputting an output signal containing the user-selected channel only to the user's premises."

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21, 22, 26, 27, 29, 30, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Hamlin in view of Willis.

Referring to claim 21, Williams discloses a system for redistributing a plurality of audio/video input signals to a plurality of communications interfaces over conductors (figure 24), comprising:

a server (column 17, lines 46-49),

at least one demodulator for demodulating the input signals (figure 25, part 210), the server controlling an output channel selection of the input signals responsive to one or more control signals corresponding to a single user-selected channel input into any one of the plurality of communications interfaces in a user's premises (column 18, lines 4-13), and at least one processor for processing the signals for switching (figure 25, part 208), and

the switching device being controlled by the server (figure 24) and

outputting an output signal containing the user-selected channel only to the user's premises responsive to the one or more control signals input into the one of the plurality of communications interfaces (column 18, lines 4-13; column 17, lines 54-65),

wherein the communications interface in the user's premises receives the channel selection for transmission of the user-selected channel to a receiving unit connected to the communications interface (figure 25; column 18, lines 4-13).

Williams does not disclose a system wherein at least one switching device for routing the channel selection in the format of an internet protocol.

In an analogous art, Hamlin teaches a system wherein at least one switching device for routing the channel selection in a different format (figure 2; column 3, lines 3-12).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the format switching taught by Hamlin to the system disclosed by Williams. The motivation would have been to allow multiple inputs to be distributed over a single bus (Hamlin: column 3, lines 25-28).

Williams and Hamlin do not disclose a system wherein the different format is an internet protocol.

In an analogous art, Willis teaches a system wherein the different format is an internet protocol (Figure 1; column 9, lines 58-67; column 11, lines 40-49).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the IP format taught by Willis to the system disclosed by Williams and Hamlin. The motivation would have been enable the system to use the internet for transmission, which would allow for both wired and wireless communications using existing widely used technologies that would save on development costs.

Claim 29 is rejected on the same grounds as claim 21.

Referring to claim 22, Williams does not disclose a system of claim 21 in which the input signals are in different signal formats.

Hamlin discloses a system of claim 21 in which the input signals are in different signal formats (figure 2).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the demodulator taught by Hamlin to the system disclosed by Adams. The motivation would have been to allow multiple inputs to be distributed over a single bus (Hamlin: column 3, lines 25-28).

Claim 30 is rejected on the same grounds as claim 22.

Referring to claim 26, Williams discloses a system of claim 21 in which the communications interface includes a data interface for receiving data from a keyboard, joystick, card reader, bar code reader, or other data-providing device (column 4, lines 64-67).

Claim 34 is rejected on the same grounds as claim 26.

Referring to claim 27, Williams discloses a system of claim 21 in which the communications interface includes a network interface for transmitting data from a computer as an input signal to the demodulator (figure 25).

Claim 35 is rejected on the same grounds as claim 27.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/  
Supervisory Patent Examiner, Art  
Unit 2424

JS